

More so, as claim 10 recites that the instructions are stored on a medium that is executable by a processor-based system, "it becomes structurally and functionally interrelated to the medium" and is therefore statutory subject matter. See MPEP § 2106, citing *In re Lowry*, 32 USPQ2d 1031, 1035 (Fed. Cir. 1994) (claim to data structure stored on a computer readable medium held statutory). Further, "a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure's functionality to be realized, and is thus statutory." MPEP § 2106. Because claim 10 recites such a medium, claim 10 and claims 11-13 depending therefrom are patentable under § 101.

B. Rejection of Claims Under 35 U.S.C. § 102(b)

Pending claims 1-2, 5-11, 13 and 26-28 stand rejected under 35 U.S.C. § 102(b) over EP 0828390A2 (Arsenault). Applicant respectfully traverses the rejection. With regard to claim 1, Arsenault does not teach a method in which a second announcement including a content description for content is transmitted "before any assignment of connection has been determined for said content."

In this regard, Arsenault does not teach transmitting an announcement including a content description until connection information is known. While such connection information may be modified by the system of Arsenault, nowhere does Arsenault teach that such content information may be transmitted prior to any assignment of connection. Instead, Arsenault teaches that an allocation table or map 30 "must be made" which includes connection information. Arsenault, col. 13, lns. 35-41. Thus the map of Arsenault is made after assignment of connection is

determined for the content. Accordingly when advanced schedules are provided, the map generator modifies previous connection information. Arsenault, col. 13, ln. 51 - col. 14, ln. 29. Thus, claim 1 and claims 2 and 5-9 depending therefrom are patentable over Arsenault. For similar reasons, claim 10 and claims 11 and 13 depending therefrom are also patentable over Arsenault.

As to claim 26, nowhere does Arsenault disclose a processor-based system comprising storage "to store a template for said first announcement, said template formed before said connection information is available." In this regard, nowhere does the portion of Arsenault cited by the Office Action teach storage of a template for a first announcement including connection information. That is, the "map information that is provided to the data server for storage" recited by the Office Action is not a template formed before connection information is available. Arsenault, col. 17, lns. 45-55. Accordingly, claim 26 and claims 27 and 28 depending therefrom are patentable over Arsenault.

C. Rejection of Claims Under 35 U.S.C. § 103(a)

Pending claims 3, 4 and 12 stand rejected under 35 U.S.C. § 103(a) over Arsenault in view of U.S. Patent No. 5,686,954 (Yoshinobu). Applicant respectfully traverses the rejection. Regarding claim 3 neither Arsenault nor Yoshinobu teach or suggest a method in which a second announcement including content description is transmitted before any assignment of connection has been determined for the content (as discussed above regarding claim 1). For at least this reason claims 3, 4 and 12 are patentable over the proposed combination.

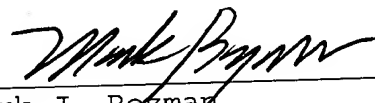
Dependent claim 4 is further patentable as neither Yoshinobu nor (as conceded by the Office Action) Arsenault

teaches or suggests linking each of two levels of granularity to connection information for the granularity. In this regard Yoshinobu only teaches levels of granularity for content description, not connection information, and Arsenault does not teach levels of granularity whatsoever. Thus for this further reason, claim 4 patentably distinguishes over the proposed combination.

In view of these remarks, the application is now in condition for allowance and the Examiner's prompt action in accordance therewith is respectfully requested. The Commissioner is authorized to charge any additional fees or credit any overpayment to Deposit Account No. 20-1504.

Respectfully submitted,

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